



BYLAWS OF THE KAYSVILLE CITY PLANNING COMMISSION

PURPOSE

These policies and procedures, as amended, are designed and adopted for the purpose of providing guidance and direction to the members of the Kaysville City Planning Commission in the performance of their duties.

ARTICLE 1 – GENERAL PROVISIONS

The Kaysville City Planning Commission, hereinafter referred to as "the Commission," shall be governed by the following statutes, ordinances and bylaws:

1.1 Applicable State Statutes and Local Ordinances and Bylaws

To the extent that they remain in force and in effect, as they are amended, or as they are added to, the Commission and its members shall be governed by state statutes and local ordinances and policies including but not limited to the following:

- a. State statutes applying to public boards, members and officials.
- b. State statutes governing the activities of City Planning Commissions.
- c. The Zoning Ordinance/Development Code of Kaysville City as adopted by the City Council.
- d. The bylaws and policies of the Commission as set forth herein.

1.2 Requirements of Familiarity with State Statutes and Local Ordinances and Bylaws Affecting the Commission

Upon taking office, all members of the Commission shall familiarize themselves with the foregoing and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of Commission affairs.

1.3 Mandatory Training as Required by Utah State Code 10-9a-302

Upon appointment to the office of Planning Commission, Planning Commissioners agree to attend a minimum of four hours of training as required by the State of Utah. Training sessions may be provided by City Staff or any qualified or experienced land use expert or group. Recorded training sessions are acceptable for training requirements.

1.4 Bylaws of the Commission to be Available from Kaysville City

A current copy of the bylaws of the Commission shall be available as a public record on the City's website or at the City offices. A copy of the bylaws of the Commission shall be provided

to new Commission members upon appointment. Additional copies shall be provided to the Commission and made available to the public upon request.

ARTICLE II – MEMBERS APPOINTMENT, RESIGNATION AND REMOVALS

2.1 Members

Per KCC 17-4-1, the Planning Commission shall consist of seven (7) regular members. Two alternate Planning Commission Members may be appointed to assist in creating the likelihood of having a quorum present for meetings. All Planning Commissioners shall reside in Kaysville City for at least one year prior to their appointment and must remain residents of the City during the entirety of their term.

Members shall be selected from different professional and vocational backgrounds and geographic areas, insofar as possible.

2.2 Appointment

The membership and appointment of the Commission shall be governed by the provisions of Utah State Code and applicable ordinances of Kaysville City.

2.3 Resignations

Members proposing to resign shall give reasonable notice of such intent to the Mayor of the City, and make reasonable effort so the date of resignation allows adequate time for appointment of replacements.

2.4 Removals

Failure to attend three consecutive regular meetings, or three of any seven consecutive meetings shall be construed by the Mayor as grounds for removal from the Commission by absence. The Mayor would then recommend removal of the Commissioner to the City Council.

ARTICLE III – DUTIES OF OFFICERS, COMMITTEES AND STAFF

3.1 Regular Election of Chair, Vice Chair

Annually, as the first item of business at the first regular meeting of the Commission in the month of July, the Commission shall elect a Chair and Vice Chair. If a quorum is lacking, the Commission will hold an election at the next regularly scheduled meeting at which a quorum is available.

3.2 Succession of Vice Chair to Office of Chair

If the Chair becomes no longer a member of the Commission, the Vice Chair shall succeed to the office for the remainder of the term. If the Vice Chair becomes no longer a member of the Commission or succeeds to the office of Chair, a special vote shall be held to fill the vacancy of the Vice Chair. Said vote shall occur at the next regularly scheduled meeting of the

Commission at which a quorum is available.

3.3 Duties of the Chair and Vice Chair

If present and able, the Chair shall preside at all meetings and hearings. If the Chair is absent or unable to preside, the Vice Chair shall preside.

3.4 Appointment of Temporary Chair to Preside at Meetings

If both the Chair and Vice Chair are absent or unable to preside, the members present shall appoint a Temporary Chair to preside for that meeting. The Temporary Chair shall abide by all bylaws and policies set forth herein.

3.5 Chair and Vice Chair Responsibilities

The Chair shall conduct all meetings of the Commission, interface with the Mayor in the conduct and affairs of the Commission, and exercise management of the affairs of the Commission consistent with these bylaws, the ordinances of Kaysville City and State Law. In the absence of the Chair, the Vice Chair will assume the responsibilities outlined in this section and the bylaws.

3.6 Appointment of Committees

The Chair may designate members of the Commission to make personal inspections when necessary for proper consideration of agenda items. The Chair may appoint standing or ad hoc committees as may be found necessary to successfully and efficiently carry out the function of the Commission.

3.7 Community Development Staff Duties

Staff shall attend to all correspondence of the Commission, send out and cause to be published all notices required, create and publish staff reports to include adequate information for the Planning Commission to make a decision on applications before them, attend all meetings of the Commission and all public hearings, present and disseminate information to the Commission during the meetings, compile and maintain all required records, schedules, minutes, files and indexes; and generally perform all clerical work of the Commission.

ARTICLE IV – CONDUCT OF COMMISSION MEMBERS

4.1 Representation of Applicants and Petitioners

No member of the Commission shall represent applicants or petitioners on matters on which the Commission is to make determinations or recommendations.

4.2 Conflict of Interest

Should a Planning Commission Member have a conflict of interest, that conflict shall be disclosed either prior to the meeting or during the meeting.

No member of the Commission shall represent applicants or petitioners on matters which the Commission is to make decisions or recommendations.

Failure to disclose conflict of interest for purposes may be grounds for removal from the Planning Commission when the City Attorney deems to the failure to disclose is in violation of the provisions of Utah Code or Kaysville City Ordinances.

4.3 State Disclosure Laws

No member of the Commission shall participate in, discuss or vote on any application or item if they:

- a. Have financial or personal or financial interest in the property or action concerned;
- b. Will be directly affected by the decision of the Commission; or
- c. Believe they have any other conflict of interest.

A member who has a question as to whether a conflict of interest exists should raise the matter with the Community Development Director, City Attorney or the Planning Commission to determine whether the member can participate in the vote.

4.4 Voting

No Commission member shall discuss, opine or express an intended vote on any agenda item or application except during the Planning Commission meeting, and only after attending the public meeting(s) and/or hearing(s) on the matter, and listening to or being informed of testimony presented.

A member who was absent from a meeting where initial discussions and presentations on an application took place may qualify to participate in further discussion and vote on the matter by examining the evidence, being informed of the evidence or reviewing the record of the meeting(s) and/or hearing(s) that the member missed.

4.5 Electronic Participation

When necessary to form a quorum, a member of the Commission may participate by electronic media such as telephone, video call, or other means wherein they can communicate with the Commission and vote on an item. Electronic participation may be allowed due to a public health emergency.

ARTICLE V – MEETINGS, HEARINGS, RECORDS FOR CONSIDERATION

5.1 Regular Meetings

Regular meetings of the Commission will generally be held twice monthly on the second and fourth Thursday of each month at 7:00 p.m. unless the Planning Commission determines

another date and time during a regularly scheduled meeting for upcoming meetings. These regularly scheduled meetings may be cancelled pursuant to section 5.12.

5.2 Meeting End Time

All Commission meetings shall be scheduled to end no later than 10:00 p.m. unless a motion to continue is made and approved in order to complete the agenda items of that specific meeting.

5.3 Open to Public

All meetings of the Commission are open to the public in accordance with the Utah State Code 52-4 Open and Public Meetings Act.

5.4 Records for Consideration

In order to allow fair and just time for the Commission to read and review records for consideration on an application or petition before them, a deadline of submitting handouts, materials, studies, data, photos, information etc. by the applicants and others is established as no later than 1 p.m. two days prior to the meeting.

If materials are submitted prior to the deadline and the Commission does not have time to adequately review the material, they may decide to postpone a decision to allow for time to review the material which has been submitted. Staff will make efforts to communicate this requirement to applicants and the general public.

Community and Economic Development Department staff will make efforts to send information to the Commission as soon as it is received. The Commission or staff will summarize the written public input received during the public hearings for the record.

Public comments, emailed comments or written comments which are heard during the public hearing are not subject to this rule.

5.5 Conduct During Hearings

During all meetings and hearings, persons providing testimony shall proceed without interruption from any party except the Chair. All comments, arguments and pleading shall be addressed to the Chair. There shall not be debate or argument between individuals.

Questions which arise during the public hearing may be addressed by the Chair, Commissioners, Staff or the Applicant after the hearing is closed.

The Chair shall maintain order and decorum, and to that end, may order removal of disorderly or disruptive persons.

A speaker time limit of three minutes is established.

The Community Development Department Staff shall have rules of participation available to the members of the public present of the meeting to assist in creating a safe and orderly meeting. Rules of participation include:

- d. Member of the public shall state their name and city of residence.
- e. No shouting from audience members.
- f. No clapping, booing or taunting from audience members.
- g. Request to keep comments limited to three minutes.
- h. Request to minimize redundant comments.

5.6 Administrative Applications

Public comments will not be received on administrative items unless the majority of the Commission votes to receive comments.

5.7 Rules of Order

In accordance with these rules, the Chair shall decide all points of procedure and order, unless otherwise directed by a majority vote of the members in attendance. Where necessary in deciding points of order, the Chair may use as a reference the *Robert's Rules of Order, Newly Revised, In Brief*.

5.8 Study Sessions

Study Sessions of the Commission shall be held if found necessary. Notice of the Study Session shall be in accordance with City and State law.

5.9 Special Meetings and Study Sessions

Special Meetings and Study Sessions, for any purpose, may be held at the call of the Chair. Notice of such meeting shall be in accordance with City and State law.

5.10 Field Trips

The Planning Commission may schedule or attend field trips subject to the following:

- a. Field trips for educational or training purposes shall be noticed in accordance with applicable City and State laws.
- b. Field trips for active applications or agenda items shall be noticed in accordance with applicable City and State laws. To maintain the integrity of the Open and Public Meeting Act, the Planning Commission will break into groups of no more than three commissioners and will have a reasonable physical distance between groups. During the field trip, Planning Commissioners shall not discuss their position, opinions or an intended vote on the application or agenda item. Planning Commissioners will keep group discussion limited until the Planning Commission can meet for a regularly scheduled meeting.

- c. Voting on agenda items shall not take place during field trips, and will only take place during regularly scheduled meetings held at city hall.
- d. Any member of the public may accompany the Planning Commission on field trips.

5.11 Recess or Adjournment

Any Regular or Special Meeting may be recessed or adjourned to another day, or to the time of any previously announced Regular or Special Meeting, and such recess or adjournment to a certain time and place shall be noticed as required by Utah State Code or Kaysville City Ordinance.

5.12 Cancellation

If no business is scheduled before the Commission, or if it is apparent that a quorum of the Commission will not be available, any meeting may be canceled by the Community Development Department with concurrence of the Chair by giving notice to all members and posting appropriate public notice.

5.13 Quorum

A quorum of the Commission shall consist of four (4) members. An affirmative vote of at least three (3) members and no less than a majority of the Commission present at the meeting shall be required for any matter to pass.

5.14 Tie Votes

If a motion before the Commission receives an equal number of votes, and a subsequent motion on the matter is either not made or cannot achieve a majority vote, the matter before the Commission shall be deemed denied.

5.15 Agenda, Order of Business

Community Development Staff shall prepare an agenda for each Commission meeting. The order of business shall be as follows:

- a. Welcome and Meeting Order
- b. Declaration of Conflicts of Interest
- c. Items of business for consideration by the Commission
- d. Minutes of preceding meetings
- e. Other matters (reports, correspondence, calendar)
- f. Adjournment

The order of business for a given agenda may be modified upon a vote of the Commission.

ARTICLE VI – PROCEDURE: ORDER OF BUSINESS

6.1 Applicant Representation

Any applicant may appear or be represented by authorized agents. Such agents shall present documented evidence of their authorization.

6.2 Order of Consideration

The following procedure for items of business before the Commission will normally be observed. However, it may be rearranged by the Chair for individual items as may be necessary for the expeditious conduct of business:

- a. The Chair introduces the item.
- b. Staff presentation and recommendation.
- c. Applicant presentation (limited to 10 minutes).
- d. Public Hearing. If the item is required by Utah State Code or Kaysville City Ordinance to have a public hearing, the Chair shall declare the opening of the public hearing portion of the meeting.
- e. Comments from the public will be limited to three minutes.
- f. Upon completion of public comment, the Chair shall declare the public hearing closed, without objection from the Commission.
- g. The Chair may allow staff or the applicant to address issues raised by the public comment.
- h. The Chair shall allow members of the Commission to discuss the matter without further comment from the applicant, staff and the public. Commission members may, however, with the permission of the chair, ask questions as desired of the applicant and staff.
- i. Upon completion of the Commission discussion, the Chair may call for a motion and a second by the Commission on the application.
- j. With a valid motion and second on the table, the Chair shall allow for discussion of the motion by the Commission. Other appropriate motions may be made during this time.
- k. Upon completion of discussion, or upon a call for the question by a Commission member, the Chair will call for a roll call vote of the Commission members.

If during the proceedings the Chair rules a motion out of order, the Chair shall explain why it is so and advise the mover of corrections needed to make the motion in order.

ARTICLE VII - FINDINGS AND DECISIONS

7.1 Timing of Decisions

With due consideration to the length of the Agenda, the nature of the case, the complexity of

the evidence, and the findings required, the Chair may elect, subject to approval by the Commission, one of the following alternatives:

- a. To take action on the item immediately after the hearing of the case; or
- b. To defer action until the next regularly scheduled meeting of the Commission as specified by the Chair.

7.2 Form and Procedure of Decisions

- a. All decisions shall be made at a public meeting by voice vote after a motion has been made and seconded.
- b. Decisions of the Commission shall be accompanied by a reason for the decision made.
- c. Decisions of the Commission shall be final at the conclusion of the vote and completion of the relevant agenda item.

7.3 Notification

Notice of action taken by the Commission shall be given by the Community Development Department to the applicant, petitioner or any party making a written request for such within ten days following approval or the decision or as per state code.

ARTICLE VIII - REQUEST TO WITHDRAW, CONTINUE OR RE-HEAR APPLICATIONS

8.1 Withdrawal

An application or petition shall be withdrawn from consideration if an applicant makes a written withdrawal request before the meeting in which the application or petition will be considered. The application or petition may be withdrawn during a meeting if the applicant verbally makes that request before the Commission takes action on the application or petition.

8.2 Continuance

The Commission may defer the hearing of cases or continue a hearing to another time. A motion for a continuance must state the cause for the continuance. Unless a time and place are stated in said motion, the continued hearing will require public re-notice.

ARTICLE IX - AMENDING OR WAIVING BYLAWS

9.1 Amending Bylaws

These bylaws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by state law or City ordinance. An amendment may be proposed at any meeting of the Commission. Members shall receive a copy of the proposed or amended bylaws not less than two days prior to the meeting at which the proposed changes shall be heard.

9.2 Waiving or Suspending Bylaws

A rule of procedure may be suspended or waived at any meeting by a majority vote of Commission members present, unless such rule is set by state law or City ordinance.

9.3 Temporary Rule

A temporary rule of procedure, in conformity with state law and City ordinance, may be adopted by the Commission for a meeting or agenda item following a unanimous vote of the Commission members present.